



Paper No. 11

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OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Kenneth H. Wenzel et al :
Serial No. 07/898,003 :
Filed: June 16, 1992 :
Attorney Docket No. PROCHO-P40AUS :

ON PETITION

This is a decision on the petition filed June 3, 1994, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is granted.

This application was held abandoned for failure to timely file corrected formal drawings on or before December 3, 1993.

Petitioner states that corrected formal drawings were in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the Patent and Trademark Office (PTO) on October 18, 1993 of, inter alia, 3 sheets of formal drawings.

The formal drawings acknowledged as having been received by the PTO on October 18, 1993 cannot be located. However, MPEP 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that formal drawings were timely received in the PTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The drawings received with the petition will be accepted as the drawings acknowledged as having been received by the PTO on October 18, 1993.

It is noted that the return postcard lists a supplemental declaration and priority document as additional items received by the PTO. However, these papers cannot be located. Petitioner

should submit a copy of the supplemental declaration and priority document, along with a request for the PTO to acknowledge receipt of the priority document as of the date of receipt on the return postcard. These papers should be directed to the Commissioner of Patents and Trademarks, Box DAC, Washington, DC 20231. Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.

The Office sincerely apologizes for the inconvenience caused by this matter.

This application is being forwarded to Drafting Branch within Publishing Division to review of the drawings received on June 3, 1994.



Frances Hicks
Office of Petitions
Office of the Assistant Commissioner
for Patents